

Ordinance No.____ ORDINANCE: To amend Chapter 17 of the Rockville City Code, Entitled “Purchasing” to add definitions of “local business,” and “tie bids;” and to amend provisions on award of tie bids

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF ROCKVILLE, that Chapter 17 of the Rockville City Code, entitled “Purchasing” is hereby amended as follows:

SECTION 1. That Article I entitled “General Provisions,” be amended to read as follows:

ARTICLE I. GENERAL PROVISIONS

DIVISION 1. PURPOSES, CONSTRUCTION AND APPLICATION

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DIVISION 2. DEFINITIONS

Sec. 17-16. Definitions.

The terms defined in this section shall have the meanings set forth below whenever they appear in this chapter unless the context in which they are used clearly requires a different meaning or a different definition is prescribed for a particular provision.

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Local business means a business enterprise, including but not limited to a sole proprietorship, partnership, corporation, or limited liability company which (i) has a physical business address located within the corporate limits of the City of Rockville from which the vendor operates or performs business on a day-to-day basis that is a substantial component of the goods or services being offered to the City; and (ii) for the most recent tax year, has paid any real property or personal property tax due to the City. Post Office Boxes shall not be used for the purpose of establishing a physical address within the City.

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Tie Bids are responsive bids from responsible bidders that are identical in price, terms and conditions and which meet all the requirements and evaluation criteria set forth in the invitation for bids.

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SECTION 2. That Article III entitled "Source Selection," be amended to read as follows:

ARTICLE III. SOURCE SELECTION

DIVISION 1. GENERAL

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DIVISION 2. COMPETITIVE PROCUREMENT

Sec. 17-61. Formal solicitation--Competitive sealed bidding.

- (a) *Conditions for use.* * * *
- (b) *Invitation for bids.* * * *
- (c) *Public notice.* * * *
- (d) *Bid opening.* * * *
- (e) *Late bids.* * * *
- (f) *Bid acceptance and evaluation.* * * *
- (g) *Waiver of minor informality or immaterial bid defect.* * * *
- (h) *Correction or withdrawal of bids; cancellation of awards.* ****
- (i) *Contract award.* * * *
- (j) *Tie Bids.* In the case of a tie bid between [responsible bidders with substantially equal qualifications, the tie bidders may be invited to resubmit written bids below their original bid. In the alternative, the tie may be decided by lot, or all bids may be rejected and the contract re-bid] a local business and a non-local business award shall be made to the local business. If tie bids are received from two or more local firms or from two or more non-local firms, a drawing shall be conducted. A witness shall be present to verify the drawing and shall

certify the results on the bid tabulation sheet. The City reserves the right to reject all bids and rebid the contract.

(k) *Multi-step sealed bidding.* * * *

(l) *Single bid.* * * *

(m) *Contract award based on "best value".* ***

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NOTE: [Brackets] indicate material deleted
Underlining indicates material added
Asterisks * * * indicate material unchanged by this ordinance

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I hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the Mayor and Council at its meeting of

Douglass Barber, City Clerk